

FINDING OF SUITABILITY TO TRANSFER

AREA C SOUTHEAST

NAVAL TRAINING CENTER ORLANDO, FLORIDA



**Prepared by:
Department of the Navy
Southern Division
Naval Facilities Engineering Command
North Charleston, South Carolina**

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ATTACHMENT 1

LEAD-BASED PAINT HAZARD DISCLOSURE AND ACKNOWLEDGEMENT FORM

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1.0 PURPOSE

This Finding of Suitability to Transfer (FOST) documents my determination, as the responsible Department of Defense (DoD) component official, that certain real property and associated improvements known as Area C Southeast located at Area C, Naval Training Center (NTC), Orlando, Florida, (hereafter Subject Property) are environmentally suitable for deed transfer. This decision is based on my review of information contained in the attached Addendum No. 1 to the Environmental Baseline Survey for Transfer (EBST). Factors leading to this decision and other pertinent information related to property transfer requirements are stated below.

2.0 DESCRIPTION OF PROPERTY

The Subject Property consists of certain real property known as Area C Southeast and includes 7 buildings and the areas surrounding the structures encompassing approximately 10.08 acres of land located in the southeast corner of Area C. A detailed description of each of the 7 warehouses located on the Subject Property is included in Section 1.1 of the attached EBST Addendum. Figure 2 in the attached EBST Addendum shows the location of the Subject Property on Area C. A legal description and boundary survey of the Subject Property are provided in Appendix A of the EBST Addendum.

3.0 PAST USE AND PROPOSED REUSE

Construction of Area C, of which the Subject Property is part, began in 1942 to provide support services for the Army Air Corps Orlando Air Base. Prior to that time, the Subject Property was undeveloped. A railroad system was used for material transport within the Subject Property until 1957. From 1957, salvageable materials were shipped by truck to the supply warehouses and salvage yard located on the Subject Property. Since the Navy acquired the property on July 1, 1968, the area continued to be used to provide support services and warehousing for NTC Orlando. It was most recently used as office and storage space for base closure operations and for storage and vehicle maintenance by the Veteran's Administration (VA).

The proposed reuse of the Subject Property is unknown at this time as the transferee is unknown. It is anticipated that the property will continue to be used as light industrial warehouse storage,

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however, the reuse of the Subject Property is unrestricted, indicating a potential residential reuse of the Subject Property.

4.0 ENVIRONMENTAL FINDINGS

All available information concerning the past storage, release, or disposal of hazardous substances and/or petroleum products on the Subject Property as collected through record searches, aerial photographs, personnel interviews, and on-site visual inspections is contained in the attached EBST Addendum. The following summarizes those findings and the corresponding DoD Condition of Property Classification assigned to the real property to be transferred.

A. Hazardous Substance Contamination

There is no evidence of any hazardous substance being released or disposed of on the Subject Property.

B. Petroleum Contamination

There are no known releases or instances of disposal of petroleum products or their derivatives on the Subject Property.

C. Condition of Property Classification

In accordance with DoD Property Condition Classification Guidelines, the Subject Property is suitable for deed transfer and is classified as 1/WHITE (*areas where no release or disposal of hazardous substances or petroleum products has occurred including no migration of these substances from adjacent areas*). The Subject Property was classified as 1/WHITE in the March 2003 South Area C FOST/EBST which was approved by FDEP on April 9, 2003.

D. Other Environmental Aspects

1. Ordnance

There is no evidence of ordnance handling, storage, or disposal activities having been conducted on the Subject Property.

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2. Asbestos-Containing Materials

Asbestos surveys conducted in 1991 and 1996 (Cape Environmental Management, Inc., 1992, 1996) noted primarily non-friable floor tiles and transite panels. However, some damaged, friable, and accessible asbestos was observed in Building 1058 which was remediated in October 1997.

The presence of ACM should be recognized and best management practices applied during any renovation or demolition activities. Management of ACM should be in compliance with all applicable laws relating to asbestos to ensure future protection of human health and the environment.

3. Lead-Based Paint

All buildings on the Subject Property are non-residential structures, and thus are not subject to Federal law governing lead-based paint (LBP) and LBP hazards in "target housing." It is likely that buildings constructed before 1978 were painted with LBP. A Lead-Based Paint Hazards Advisory Statement, Attachment 1 to this FOST, will be provided to the transferee for execution at the time of transfer.

4. Polychlorinated Biphenyls

There were previously pole-mounted transformers located on the Subject Property. All were tested and certified as non-polychlorinated biphenyl (PCB) containing units. There is no evidence that PCBs were ever stored or disposed of on the Subject Property.

5. Radon

No record of radon testing was found for the buildings at the Subject Property. However, radon is not expected due to the absence of phosphate-bearing sediments (which are associated with radon production) in the near-surface materials beneath the Subject Property. The U.S. Environmental Protection Agency (USEPA) Radon Zone for Orange County, Florida, in which the Subject Property is located, is rated as level 3, indicating an average indoor radon level of less than 2 picocuries per liter (pCi/L) of air which is below the USEPA action level of 4 pCi/L.

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5.0 REQUIREMENTS APPLICABLE TO PROPERTY TRANSFER

A. NEPA Compliance

In accordance with National Environmental Policy Act (NEPA) requirements, an Environmental Impact Statement and Record of Decision (ROD) have been prepared and executed in connection with the planned disposal and reuse of NTC, Orlando. The ROD was signed on November 15, 1996.

B. Hazardous Substance Notice

In accordance with Section 120(h)(3)(A)(i) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the deed transferring the Subject Property must provide notice as to those hazardous substances which it is known, based on a complete search of agency files, were stored for 1 year or more, released or disposed on the Subject Property in excess of those reportable quantities specified under 40 CFR 302, and all response actions taken to date to address any such releases or disposals. All available records indicate that the storage of any hazardous materials on the Subject Property was limited to 180 days. No hazardous substances are known to have been stored or released on the Subject Property in excess of their respective reportable quantities, thus, no deed notice is required.

C. CERCLA Covenant

In accordance with CERCLA Section 120(h)(4)(D)(i), the deed transferring the Subject Property shall contain a covenant warranting that any response action or corrective action found to be necessary after the date of transfer shall be conducted by the United States.

D. CERCLA Access Clause

In accordance with CERCLA Section 120(h)(4)(D)(ii), the deed transferring the Subject Property shall contain a clause granting to the United States, its officers, agents, employees, contractors, and subcontractors the right to enter upon the transferred property in any case that remedial or corrective action is found to be necessary after the date of transfer. The right to enter to be set forth shall include the right to conduct annual physical inspections, tests, investigations, long term monitoring, 5-year reviews, and surveys, including, where necessary, drilling, test pitting, boring, and other similar activities. Such right shall also include the right to construct, operate, maintain,

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or undertake any other response or remedial action as required or necessary, including, but not limited to, monitoring wells, pumping wells, and treatment facilities. The United States retains the authority to enter to conduct investigations on adjacent parcels as well as the parcel subject to the transfer. These access rights are in addition to those granted to Federal, state, and local authorities under applicable environmental laws and regulations.

E. Land and Groundwater Restrictions

The Navy will transfer all of the Subject Property without restrictions.

F. Transferee Indemnification

The Federal government shall hold harmless, defend and indemnify the transferee and any future successor, assignee, transferee, lender, or lessee of the Subject Property from any suit, demand, cost or liability arising out of any claim for personal injury or property damage that may result from, or be predicated upon, the release or threatened release of any hazardous substance, pollutant, and/or petroleum or petroleum derivative contaminant resulting from DoD activities on the property subject to the conditions specified in, and to the extent authorized by Section 330 of Public Law 102-484 as amended by Public Law 103-160.

G. Environmental Compliance Agreements / Permits / Orders

There are no environmental compliance agreements, permits, or orders associated with the Subject Property.

H. Notification to Regulatory Agencies / Public

In accordance with DoD guidance, the U.S. EPA Region 4 and the Florida Department of Environmental Protection (FDEP) have been advised of the proposed transfer of Area C Southeast, and copies of the Draft EBST and Draft FOST have been provided to those agencies for review. The Draft EBST and Draft FOST have also been made available for public review during a thirty (30) day public comment period. All regulatory agency and public comments received have been considered and incorporated as deemed appropriate. All comments and the Navy's responses thereto have been provided in Appendix D to the EBST Addendum as appropriate. Copies of all transfer documentation will be made available to USEPA and FDEP representatives upon request after execution of the same.


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6.0 SUITABILITY DETERMINATION

NOW THEREFORE, based on my review of the information contained in the attached EBST Addendum, I have determined that the Subject Property is presently suitable for deed transfer for unrestricted reuse.

14 May 2004

Date



BRIAN M. SCOTT, CAPT, CEC, USN
Vice Commander
Southern Division
Naval Facilities Engineering Command
North Charleston, South Carolina

ATTACHMENT 1

LEAD-BASED PAINT HAZARD DISCLOSURE AND ACKNOWLEDGEMENT FORM (NON-RESIDENTIAL STRUCTURES)

LEAD WARNING STATEMENT

YOU ARE ADVISED THAT STRUCTURES CONSTRUCTED PRIOR TO 1978 MAY PRESENT EXPOSURE TO LEAD FROM LEAD-BASED PAINT THAT MAY PLACE YOUNG CHILDREN AT RISK OF DEVELOPING LEAD POISONING. LEAD POISONING IN YOUNG CHILDREN MAY PRODUCE PERMANENT NEUROLOGICAL DAMAGE. YOU ARE FURTHER ADVISED THAT LEAD POISONING ALSO POSES A PARTICULAR RISK TO PREGNANT WOMEN. WORKERS MAY ALSO SUFFER ADVERSE HEALTH EFFECTS FROM LEAD DUST AND FUME EXPOSURE

ACKNOWLEDGEMENT

I acknowledge that:

- (1) I have read and understand the above stated Lead Warning Statement;
- (2) I have received from the Federal Government the following document(s): *Addendum No. 1 Environmental Baseline Survey for Transfer, Area C Southeast and the Finding of Suitability to Transfer, Area C Southeast – Naval Training Center, Orlando, Florida* representing the best information available to the Government as to the presence of Lead-Based Paint and Lead-Based Paint hazards for the buildings covered by this Transfer;
- (3) I understand that my failure to inspect, or to become fully informed as to the condition of all or any portion of the property offered will not constitute grounds for any claim or demand for adjustment or withdrawal of any bid or offer made after its opening or tender; and
- (4) I understand that upon execution of this Transfer, I shall assume full responsibility for preventing future lead exposure by properly managing and maintaining or, as required by applicable Federal, state, or local laws or regulations, for abating any lead-based paint hazard that may pose a risk to human health.

Transferee (or duly authorized agent)

Date